

## **REMARKS**

### **Status of Claims**

Claims 8-16 are pending in this application, the independent claims being claims 8, 14 and 16. By this Amendment, claims 1-7 are canceled and claims 8-17 are newly presented.

### **Summary of Action**

In the Action, claims 2, 3, 5, 6 and 7 were rejected under 35 U.S.C. §103(a), as unpatentable over Applicants' disclosure at page 1, lines 5-20 ("Applicants Acknowledged State of the Art") in view of U.S. Patent No. 5,827,592 (Val Gulik). Reconsideration and withdrawal of the rejection respectfully are requested in view of the above amendments and the following remarks.

### **Claim Amendments**

The rejection of the claims over the cited art respectfully is traversed. Nevertheless, without conceding the propriety of the rejection, claims 2, 3, 5, 6 and 7 have been cancelled herein in favor of new claims 8-17, which recite more clearly various novel features of the claimed invention and provide Applicants with an additional scope of protection commensurate with the disclosure. No new matter has been entered.

### **Entry of Amendments After Final Rejection**

Entry of the amendments is proper under 37 CFR §1.116 because the amendments: (a) place the application in better condition for consideration (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration (the amendments amplify issues previously discussed throughout prosecution); (c) improve the

form of the claims; and (d) place the application in better form for appeal, should an appeal be necessary. The amendments are believed necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

### **Claimed Invention**

The present invention relates to a novel parquet strip that forms a part of a parquet element or floor panel, and a method of manufacturing a parquet element or floor panel including a plurality of parquet strips applied to a support layer. Each parquet strip of the parquet floor element or floor panel (and not necessarily the parquet floor element or floor panel) includes long sides and narrow (transverse) sides. Each parquet element or floor panel may be provided with a tongue and groove, e.g., on opposing long sides of the support layer of the parquet element or floor panel. The present invention relates particularly to a treatment of the plurality of individual parquet strips themselves, which make up the top or wear surface of the parquet element or floor panel.

In one aspect, as now recited in independent claim 8, the claimed invention relates to a parquet element comprising a support layer having tongue and groove joint surfaces formed on respective edges thereof, a plurality of parquet strips arranged on the support layer, each parquet strip including two long sides and two narrow sides, at least a part of the elevation of edge faces of the narrow sides of each parquet strip having an impregnation applied thereon by a rolling or spreading on application.

In another aspect, as now recited in independent claim 14, the claimed invention relates to a method of manufacturing a parquet element having long and narrow sides. The method comprises the steps of providing a support layer having a first surface for receiving

stress compensating means applied thereto and a second surface for receiving a plurality of parquet strips applied thereto, the long sides of the support layer having tongue and groove joint surfaces formed on edges thereof, and applying, by rolling or spreading on application, an impregnation onto at least a part of the elevation of edge faces of the narrow sides of each parquet strip prior to applying the plurality of parquet strips onto the second surface of the support layer.

In another aspect, as now recited in independent claim 16, the claimed invention relates to an individual parquet strip for a parquet element including a support layer and a plurality of parquet strips. The parquet strip comprises two long sides, and two narrow sides, at least a part of the elevation of edge faces of the narrow sides of the parquet strip having an impregnation applied thereon by rolling or spreading application.

#### **Prior Art Distinguished**

Applicants submit that the prior art fails to anticipate the present invention. Moreover, Applicants submit that there are differences between the subject matter sought to be patented and the prior art, such that the subject matter taken as a whole would not have been obvious to one of ordinary skill in the art at the time the invention was made.

The disclosure at page 1, lines 5-20 ('Applicants' acknowledged state of the art') describes a parquet element or floor panel including a plurality of parquet strips applied to a support, where the parquet element includes first and second long sides having a tongue and groove, respectively, and where at least a portion of the faces/elevation of the long sides of the parquet element are impregnated. As acknowledged by the Examiner, nowhere does Applicants' acknowledged state of the art describe or suggest providing impregnation of the short (transverse) sides of a parquet element or floor panel, let alone to provide impregnation

on at least a portion of the narrow sides *of each parquet strip* of a parquet element or floor panel, as recited in the claims.

The Van Gulik '592 patent relates to a floor element, and was cited for its disclosure of a wood flooring element wherein all edges of the flooring element are coated with a material to prevent moisture penetration. However, Applicants submit that the Van Gulik '592 patent fails to disclose or suggest at least the above described features of the claimed invention. Rather, the Van Gulik '592 patent describes a *floor element* for covering a base in which a bearing surface consists of a *single* wood fibre board which is covered with a transparent lacquer coating, and is understood merely to disclose that the transparent lacquer coating may be provided on the side edges *of the floor element*. Nowhere does the Van Gulik '592 patent disclose or suggest a floor element including a plurality of parquet strips applied to a support layer, where each parquet strip includes long sides and narrow sides, and where at least a portion of the elevation/faces of the narrow sides *of each parquet strip* are impregnated prior to applying the plurality of parquet strips onto the surface of the support layer, as disclosed and claimed in the present application.

Nor is the Van Gulik '592 patent believed to add anything to Applicants' disclosure of the acknowledged prior art that would make obvious the claimed invention. As neither Applicants' acknowledged state of the art nor the Val Gulik '592 patent teaches the above-discussed feature, no combination of the two can teach or suggest this feature. Moreover, as discussed further below, absent impermissible hindsight there is no motivation in the prior art to selectively combine the features of the prior art to achieve the claimed invention.

An object of the present invention relates to a further improvement of the resistance to penetration of moisture of a parquet element as a whole. Applicants submit that only with impermissible hindsight would one skilled in the art consider impregnation of only the narrow

sides *of each parquet strip* in a manner similar to the manner of impregnation of the parquet elements themselves.

In the prior art, impregnating liquid has been applied to the parquet strips by pressure impregnation, i.e., by immersing the whole parquet strip into a vessel containing the impregnation liquid. This has at least two drawbacks. First, it uses a large amount of impregnant. Second, the impregnated wear surface will not readily receive lacquer. In the method of the claimed invention, the amount of impregnation liquid can be considerably reduced because it is applied only on the sides by rolling or spreading on. In addition, in the method of the claimed invention only the narrow sides are impregnated, so that lacquer can be applied to the wear surface of the parquet strip without difficulties.

Application of impregnant to only the narrow sides of each parquet strip has provided unexpected good results in that applying the impregnation to the narrow sides alone appears sufficient for satisfying the object of the claimed invention, i.e., to improve resistance to penetration of moisture in the parquet strip and parquet element as a whole. Applicants understand this improvement to be the result of the phenomenon that moisture enters the parquet strips in the region of annual rings from the narrow sides easier than from the long sides of the parquet strip, so that an impregnation of the narrow sides alone is sufficient, and is more efficient.

The problem with penetration of moisture into cross joints between parquet elements is much different than that of penetration of moisture into cross joints between parquet strips. Due to the tongue and groove joints between the parquet elements, the distance between parquet elements in a finished floor can vary and can be considerable depending on the base surface of the room on which the parquet element is disposed. In contrast thereto, the distance between the parquet strips on a parquet element is small and predetermined during

manufacturing of the parquet element, i.e., in the manufacturing plant. Therefore, one skilled in the art has two different fields of problems.

Finally, the materials of the parquet element and the parquet strips are different. While the parquet strips are required to have a durable wear surface, the middle (support) layer of the parquet element merely is required to guarantee a satisfying coupling of the parquet elements. Therefore, different materials are used for parquet strips and support layer of the parquet elements, and the impregnation method for the parquet elements cannot be simply modified without difficulties to apply to the parquet strips.

For at least these reasons, Applicants submit the prior art fails to provide any motivation to combine the cited art to achieve the claimed invention.

### **Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 8-17 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

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